



**APPROVED: 12/3/2020**

# **MINUTES**

## **Regular City Commission Meeting**

**6:00 PM - Thursday, November 5, 2020 - City Hall**

**INVOCATION: A MOMENT OF SILENCE WAS OBSERVED.**

**PLEDGE OF ALLEGIANCE: COMMISSIONER ALIBERTI**

**CALL TO ORDER: 6:05 P.M.**

### **ACKNOWLEDGEMENT OF QUORUM AND PROPER NOTICE**

**PRESENT:** Commissioner Marie Aliberti, Vice Mayor Emily Lee, Commissioner Karen LeHeup-Smith, Commissioner Robert Morin and Mayor Michael Holland

#### **1. AGENDA UPDATE**

Bill Howe, Acting City Manager, announced that Resolution 20-83 was being pulled from the Consent Agenda.

#### **2. APPROVAL OF MINUTES**

##### **2.1 October 15, 2020 - Regular City Commission Meeting**

Moved by Commissioner LeHeup-Smith, seconded by Vice Mayor Lee, to approve the Minutes as submitted. Motion carried by the following votes:

Ayes: Commissioner Aliberti, Vice Mayor Lee, Commissioner LeHeup-Smith, Commissioner Morin and Mayor Holland

#### **3. AUDIENCE TO BE HEARD**

**3.1** Cindy Newton questioned whether or not the Commission would be postponing consideration of the second readings of the annexation ordinances with Mayor Holland responding that would be discussed later in the meeting.

Mary Montez, City Clerk, read an email from Gail Isaac Thomas regarding graffiti and damage to one of the columns at the entrance to "The Avenue" at the corner of Orange Avenue and Kensington Street.

Leslie Campione stated she is in attendance on behalf of residents who asked her to attend and expressed concern regarding annexation of property east of Eustis. She commented on the existing development in the area and stated that traditional subdivisions would not be in character with the area. She asked the Commission to reconsider their development regulations and suggested adopting a designation that would be more in keeping with the area. She suggested the City consider a workshop on their regulations with the community and County Commission. She further asked the Commission to consider postponing second reading of the annexations until a joint planning workshop could be held.

#### **4. CONSENT AGENDA**

- 4.1 Resolution Number 20-80: Approval of purchase in excess of \$50,000 for Customer Service postage costs**
- 4.2 Resolution Number 20-82: Approval of Purchases in Excess of \$50,000 for Two Used Dump Trucks**
- 4.3 Resolution Number 20-84: Authorizing corrective quit claim deed to Orange Avenue LLC**

Moved by Commissioner LeHeup-Smith, seconded by Vice Mayor Lee, to approve the Consent Agenda as submitted. Motion carried by the following votes:

Ayes: Commissioner Aliberti, Vice Mayor Lee, Commissioner LeHeup-Smith, Commissioner Morin and Mayor Holland

#### **5. ORDINANCES, PUBLIC HEARINGS & QUASI-JUDICIAL HEARINGS**

- 5.1 Resolution Number 20-79: Rescinding approval of Resolution Number 20-46 the Preliminary Subdivision Plat with waivers for the Bates Subdivision**

Derek Schroth, City Attorney, announced Resolution Number 20-79: A Resolution of the City Commission of the City of Eustis, Florida; rescinding approval of the preliminary subdivision plat with waivers for the Bates Subdivision (Oakmere) pursuant to Resolution Number 20-46 on approximately 13.95 +/- acres located on the northwest corner of Estes Road and Bates Avenue.

Lori Barnes, Development Services Director, explained the need to rescind Resolution Number 20-46 which approved the preliminary subdivision plat for Bates Subdivision. She stated, following the approval of the subdivision plat, staff found there was some ambiguity in the regulations. She stated that nine emails have been submitted in support of the resolution to rescind Resolution Number 20-46. She stated staff's recommendation that the preliminary plat be rescinded until such time as the regulations may be amended to provide clarification to the applicability of the regulations.

Mr. Schroth opened the public hearing at 6:15 p.m.

Cathy Gonzalez stated that there is a development across the street from the Bates Subdivision that consists of two acre lots so it will still not be similar.

There being no further public comment, the hearing was closed at 6:16 p.m.

Moved by Commissioner LeHeup-Smith, seconded by Vice Mayor Lee, to approve Resolution Number 20-79. Motion carried by the following votes:

Ayes: Commissioner Aliberti, Vice Mayor Lee, Commissioner LeHeup-Smith, Commissioner Morin and Mayor Holland

- 5.2 Resolution Number 20-81: Site Plan with waivers and phasing plan for a warehouse/light manufacturing facility located on the northeast corner of Huffstetler Drive and David Walker Drive**



Mr. Schroth announced Resolution Number 20-81: A Resolution of the City Commission of the City of Eustis, Florida; approving a site plan with waivers and phasing plan for a 51,000 +/- square foot warehouse/industrial light manufacturing facility on approximately +/- 4.76 acres located at the northeast corner of Huffstetler Drive and David Walker Drive.

John Bertrand, Senior Planner, presented the request for approval of a site plan with waivers and a phasing plan for a warehouse/light manufacturing facility to be located on the northeast corner of Huffstetler Drive and David Walker Drive. The proposed waivers are as follows: 1) Allow the use of the industrial lot typology within the suburban corridor design district; 2) Waive the maximum lot depth of 500 feet to allow the existing lot consisting of 681 feet on the long side and 578.85 feet on the short side due to the lot being created before existing regulations; 4) Waiver to the open area/perimeter landscaping; 4) Reduction of the required buffer by 50%. He stated it is an industrial site and having pedestrian traffic around the building would create health and safety issues. 5) Waiver to Sec. 102.25 to allow the project to be phased in over five years. He stated staff's recommendation for approval.

The Commission commented on the benefit to the area by the proposed development.

Mr. Schroth opened the public hearing at 6:21 p.m. There being no public comment, the hearing was closed at 6:21 p.m.

Moved by Vice Mayor Lee, seconded by Commissioner Aliberti, to approve Resolution Number 20-81. Motion carried by the following votes:

Ayes: Commissioner Aliberti, Vice Mayor Lee, Commissioner LeHeup-Smith, Commissioner Morin and Mayor Holland

**5.3 Explanation of Ordinances for property located north and south of Pine Meadows Golf Course Road:**  
**Ordinance Number 20-41: Voluntary Annexation**  
**Ordinance Number 20-42: Comprehensive Plan Amendment**  
**Ordinance Number 20-43: Design District Assignment**

Mr. Schroth read Ordinance Number 20-41 by title on first reading: An Ordinance of the City Commission of the City of Eustis, Florida, voluntarily annexing approximately 226.826 acres of real property located on the north and south sides of Pine Meadows Golf Course Road, as more particularly described herein.

Ms. Barnes reviewed the requested annexation of 226.826 acres located on the north and south sides of Pine Meadows Golf Course Road and the affiliated future land use designation and design district designation. She stated the request is to change the future land use designation from Urban Low and Rural Transition in Lake County to Suburban Residential in the City and to assign a design district designation of Rural Neighborhood.

Ms. Barnes explained staff's evaluation of the request and noted that, while it does create a small enclave, that is permissible under the City's Phase I ISBA agreement with Lake County. She stated that, based on the Florida statutes, the development does discourage sprawl. She indicated the City does have capacity to serve the site

with water and sewer. She noted there are wetlands on the site and, upon receipt of a development request, that will require further review. She then explained how staff reviews the transportation impact. She stated that, at the time a development request is submitted, a transportation engineer will have to perform a comprehensive traffic impact study.

Ms. Barnes reviewed the analysis of the future land use request and cited the adjoining land uses. She stated the requested land use designation is consistent with the surrounding Eustis future land use designations and the Comprehensive Plan. She then reviewed the evaluation of the design district designation. She indicated the Rural Neighborhood designation would provide for some restrictions on the development due to the rural nature of the area including requirement for clustered residential development, substantive open space and preservation of the rural viewshed. She indicated one phone call was received on the request. Ms. Barnes stated staff's recommendation for approval.

The Commission questioned the allowable density with Ms. Barnes explaining that the Rural Neighborhood design district designation does not permit multi-family lot typology which would reduce the allowable density. She cited additional factors that would limit the available building space including site design standards, maximum impervious surface area, open space and park space requirements, and right-of-way for lot access. She stated that when a development is submitted it will be advertised and brought before the Commission for approval.

The Commission then cited recent action by the state legislature and questioned what recourse the City has if a developer states it's within the land regulations and insists on getting five units per acre with Ms. Barnes stating both the Comprehensive Plan and Land Development Regulations are a maximum allowable density and no one is guaranteed. She emphasized it is very clear in the Comprehensive Plan and Land Development Regulations that the maximums are not guaranteed.

Commissioner Morin expressed concern with the future Commission having discretion on the density to be approved for the property with Ms. Barnes further explaining the design district does not allow a multi-family lot typology and it would not be possible to reach five units per acre without that. She continued explaining the Commission's discretion in what it approves for development. She stated she is not aware of any state law that forces the City to approve densities in excess of what is provided in their regulations.

Mr. Schroth stated that the approval does provide some vesting based on the regulations in place at the time of approval; however, any application would also have to meet other requirements in the regulations. He indicated his presumption that Commissioner Morin was referring to the Burt Harris Act.

Mr. Schroth opened the public hearing at 6:39 p.m.

Terry Rohar expressed concern regarding Fairway Drive which is directly across from the development. She stated there is a swale on Fairway Drive which buffers her from the former sod farm. She asked that the the swale across from her property not be included in any development. She expressed concern that any development might cause future flooding. She commented on issues with the roadway.



Major Stacey, representing the applicant, explained their review of the possible flooding issues on the site and stated it would not be recommended to develop in the existing swale. He commented on the unlikelihood that the site would be developed to the maximum due to the wetlands and other issues.

Kimberly Ludwig explained she lives near the park off of East Road. She cited the number of animals on the site including bears and sandhill cranes.

There being no further public comment, the hearing was closed at 6:45 p.m.

Moved by Commissioner LeHeup-Smith, seconded by Vice Mayor Lee, to approve Ordinance Number 20-41 on first reading. Motion carried by the following votes:

Ayes: Commissioner Aliberti, Vice Mayor Lee, Commissioner LeHeup-Smith, Commissioner Morin and Mayor Holland

**5.4 Ordinance Number 20-42: Comprehensive Plan Amendment for 226.826 acres located north and south of Pine Meadows Golf Course Road**

Mr. Schroth read Ordinance Number 20-42 by title on first reading: An Ordinance of the City Commission of the City of Eustis, Lake County, Florida, amending the City of Eustis Comprehensive Plan pursuant to 163.3187 F.S.; changing the future land use designation of approximately 225.9 acres of recently annexed real property located on the north and south sides of Pine Meadows Golf Course Road, as more particularly described herein from Urban Low and Rural Transition in Lake County to Suburban Residential (SR) in the City of Eustis.

Mr. Schroth opened the public hearing at 6:46 p.m. There being no public comment, the hearing was closed at 6:46 p.m.

Moved by Commissioner Aliberti, seconded by Commissioner LeHeup-Smith, to approve Ordinance Number 20-42 on first reading. Motion carried by the following votes:

Ayes: Commissioner Aliberti, Vice Mayor Lee, Commissioner LeHeup-Smith, Commissioner Morin and Mayor Holland

**5.5 Ordinance Number 20-43: Assigning a Rural Neighborhood design district to 226.826 acres located north and side of Pine Meadows Golf Course Road**

Mr. Schroth read Ordinance Number 20-43 by title on first reading: An Ordinance of the City Commission of the City of Eustis, Lake County, Florida; assigning the Rural Neighborhood Design District designation to approximately 225.9 acres of recently annexed real property located on the north and south sides of Pine Meadows Golf Course Road, as more particularly described herein.

Mr. Schroth opened the public hearing at 6:47 p.m. There being no public comment, the hearing was closed at 6:47 p.m.

Moved by Commissioner Morin, seconded by Commissioner LeHeup-Smith, to approve Ordinance Number 20-43 on first reading. Motion carried by the following votes:

Ayes: Commissioner Aliberti, Vice Mayor Lee, Commissioner LeHeup-Smith, Commissioner Morin and Mayor Holland

**5.6 Ordinance Number 20-44: Amendment to Chapter 100 of the Land Development Regulations**

Mr. Schroth read Ordinance Number 20-44 by title on first reading: An Ordinance of the City Commission of the City of Eustis, Florida, amending the Land Development Regulations, Chapter 100, Definitions; providing for codification, severability and an effective date.

Ms. Barnes explained the proposed ordinance would amend Chapter 100 of the Land Development Regulations, Definitions and clarify the definitions of abut or abutting, impervious surface and open space. She cited the number of times abut or abutting is referenced in the regulations and explained how the definition has been applied in the past. She stated the recommended change to the definition of "abut or abutting" to read "to physically touch or border upon, not separated by a right-of-way or street". She then reviewed the recommended change to "impervious surface" to add "all impervious surfaces" to clarify what is included in impervious surface calculations. She stated the change to "open space" is to correct a section reference due to a previous amendment from Section 115-5 (e) to Section 115-4.9(d).

Ms. Barnes stated that as of that afternoon staff had received 13 emails with one from a City resident. She indicated 12 were in opposition and one was a simple inquiry. She commented on the Commission's discretion in modifying the regulations and their need to make sure that a regulation or amendment is consistent with the Comprehensive Plan. She stated staff's recommendation for approval.

Mr. Schroth opened the public hearing at 6:53 p.m.

Cindy Newton expressed opposition to the recommended change to the definition of abut, cited other developments and questioned how those densities were calculated.

Michael Holland asked to have his comments from the LPA meeting incorporated. He stated why the word "abut" is included in the regulations.

Cecelia Bonifay, attorney with Akerman Law Firm, announced she has been representing Tom Zahn. She commented on the emails received by the City stating all but one were County residents. She cited comments by the County Commission Chairman made under Audience to be Heard and stated that Lake County has put very low densities on all of the County property surrounding the municipalities. She explained that the County did not want to provide utilities and left that to the cities. She stated that the municipalities must have a higher density in order to support the utility system efficiently. She opined that the City's water and sewer service is of benefit to the environment. She recommended that the Commission approve the ordinance.

Cathy Gonzalez questioned how Cecilia Bonifay has their emails and stated Ms. Campione lives in close proximity so she has every right to speak on the issue.



Leslie Campione noted she previously sent a letter to the Commission about joint planning as the County Commission Chair based on a 5-0 vote of the County Commission. She commented on her statements as a resident. She expressed support for the existing definition of abutting and the need to look at the area surrounding a development to create balance. She expressed support for the City developing another land use district that allows less than five units per acre.

There being no further public comment, Mr. Schroth closed the hearing at 7:09 p.m.

The Commission commented on the different input from some of the residents versus the residents adjoining Pine Meadows Golf Course Road. Comment was made on how the Commission represents the City residents and protects the infrastructure. They also commented on how property in the area was for sale for a long time and nearby residents could have considered purchasing it. It was noted that Blue Lake Estates was developed in 2002 but the City redid its Land Development Regulations in 2008 so that is why it was not developed in line with current regulations.

The Commission emphasized that the Commissioners were elected to represent the City residents. They expressed concern regarding comments about the Commission's integrity. They also commented on the need for the City to grow and how Eustis is being restricted. It was stated that the Commission hears the comments made but has to make their final decision based on what's best for the City.

Moved by Commissioner LeHeup-Smith, seconded by Commissioner Morin, to approve Ordinance Number 20-44 on first reading. Motion carried by the following votes:

Ayes: Commissioner Aliberti, Vice Mayor Lee, Commissioner LeHeup-Smith, Commissioner Morin and Mayor Holland

**5.7 Ordinance Number 20-45: Amendment to the Land Development Regulations, Chapter 109, Section 109-4 Use Regulations Table**

Mr. Schroth read Ordinance Number 20-45 by title on first reading: An Ordinance of the City Commission of the City of Eustis, Florida, amending the Land Development Regulations, Section 109.4 Use Regulations Table; providing for codification, severability and an effective date.

Ms. Barnes explained the proposed amendment to Chapter 109, Section 109-4, Use Regulations Table, would remove group homes as a permitted use in Public Institutional and add professional services and general office as permitted uses in General Industrial. She stated that no other residential uses are permitted in Public Institutional and staff believes that allowing group homes is not consistent with the Comprehensive Plan. She cited existing businesses located in the General Industrial (GI) district that are currently nonconforming and, therefore, would not be allowed to relocate to another GI building or expand in their current location. She stated staff's recommendation for approval.

Mr. Schroth opened public the hearing at 7:22 p.m. There being no public comment, the hearing was closed at 7:22 p.m.

The Commission questioned the removal of group homes from Public Institutional with Ms. Barnes explaining they are only removing the group homes from the Public Institutional but they will still be permitted within all the residential and mixed use land use districts.

Moved by Commissioner LeHeup-Smith, seconded by Vice Mayor Lee, to approve Ordinance Number 20-45 on first reading. Motion carried by the following votes:

Ayes: Commissioner Aliberti, Vice Mayor Lee, Commissioner LeHeup-Smith, Commissioner Morin and Mayor Holland

**5.8 Ordinance Number 20-46: Amending Chapter 100 of the Land Development Regulations - Definition of Pharmacy to Include Dispensaries of Medical Marijuana (Cannabis)**

Mr. Schroth read Ordinance Number 20-46 by title on first reading: An Ordinance of the City Commission of the City of Eustis, Florida; amending Chapter 100 of the Land Development Regulations to revise the definition of "pharmacy," to provide that, for purposes of these regulations, dispensaries of medical marijuana (cannabis), as permitted by the Florida Statutes 381.896 and approved by the Office of Medical Marijuana Use, Florida Health Department, shall be considered pharmacies, and that such dispensaries shall be permitted within the City Limits of Eustis; providing for codification, severability and an effective date.

Ms. Barnes reviewed the proposed amendment to Chapter 100 which would amend the definition of "pharmacy" to provide the inclusion of medical marijuana dispensaries as pharmacies. She reviewed the history of medical marijuana regulations and the previous exclusion of medical marijuana dispensaries. She provided an overview of the number of qualified medical marijuana patients, qualified physicians and dispensing organizations within the State of Florida. She explained the criteria under state statute as follows: 1) A city may ban or treat the facilities like pharmacies; 2) No other restrictions may be applied unless those restrictions are equally applied to pharmacies; 3) They cannot limit the number of dispensaries in the City; 4) The dispensaries cannot be allowed within 500 feet of public or private schools; and 5) Signage restrictions. She summarized that the state regulations may be self-limiting for the number of dispensaries.

Ms. Barnes indicated staff has not received any public input regarding the ordinance. She stated that either option is consistent with state law.

Mr. Schroth opened the public hearing at 7:30 p.m.

George Asbate addressed the Commission regarding the need for commercial growth and cited the distance that local residents must travel to reach a pharmacy to obtain their medical marijuana medication. He commented on the possible benefits to the City of a marijuana dispensary and the possibility that Eustis could be the first city in Lake County to have a dispensary. He stated his intent to attract only the best organization to the city and provided photos of existing facilities. He introduced Dr. Nathan Hanflink, a pain management physician, and Keith Totten, who assists veterans.



Dr. Nathan Hanflink commented on his practice in Eustis and their work with medical marijuana to help their patients. He cited its benefit for anxiety and post-traumatic stress disorder.

The Commission asked the difference between regular marijuana and medical marijuana with Mrs. Hanflink explaining that street marijuana is unregulated but there are strict regulations regarding the medical marijuana. She cited issues some of the patients have with transportation to get their medication.

Dr. and Mrs. Hanflink commented on the benefit to those patients who are able to discontinue using opioids.

The Commission talked about patients with mental health issues and the possible benefits to them. They also commented on the need to educate the community on the benefits.

Keith Totten commented on his work with the combat veteran community. He explained the large number of medications he has been prescribed by the VA and the effect on people. He cited the number of veterans that have committed suicide while being on medications. He expressed support for being able to have a dispensary in Eustis and cited the number of conditions that can be helped with medical marijuana.

Nathalie Shen commented on her experience with medical marijuana and how it has helped her. She noted the number of times she has to see the doctor each year.

There being no further public comment, the hearing was closed at 7:58 p.m.

Moved by Commissioner Morin, seconded by Commissioner Aliberti, to approve Ordinance Number 20-46 on first reading. Motion carried by the following votes:

Ayes: Commissioner Aliberti, Vice Mayor Lee, Commissioner LeHeup-Smith, Commissioner Morin and Mayor Holland

- 5.9** Mr. Schroth reported that the County Commission has requested that the City continue second reading of Ordinance Number 20-32 regarding annexation of the Harper property which is currently scheduled for the first meeting in December. He stated the intent is to allow time to meet with the County regarding joint planning for the area.

CONSENSUS: It was a consensus of the Commission to not postpone second reading of Ordinance Number 20-32.

## **6. OTHER BUSINESS**

### **6.1 Discussion regarding the Eustis Junior Panthers football program**

Mayor Holland noted he had requested that this item be placed on the agenda and cited the presentation by Coach Johnnie Saunders at the last meeting. He stated that the Coach was previously asked to have a functioning board, a 501(c)(3), insurance and proof of a team; however, he has not seen evidence of this progress.

He asked Sara Alvarez-Torre, interim Parks & Recreation Director, of any communication she has had with the Coach.

Ms. Alvarez-Torre indicated she spoke with the Coach a few weeks ago but has not heard from him since.

The Commission questioned whether the scoreboard could be used for other sports, not just the football.

Ms. Alvarez-Torre responded that Parks & Recreation is putting together a soccer team but it is not needed for that as it would not be a competitive team.

The Commission discussed holding off on purchasing the scoreboard until there is a use for it but leave it in the budget.

Commissioner Morin commented on the need for the community to be involved with the football league and offered to assist them when he goes off the Commission.

The Commission also discussed how long it has been since the program was active with Ms. Alvarez-Torre indicating her records show 2016 with the last insurance policy obtained in 2012.

**7. FUTURE AGENDA ITEMS: NONE**

**8. COMMENTS**

**8.1 City Commission**

Commissioner LeHeup-Smith complimented staff on the VetFest and parade.

Vice Mayor Lee congratulated her mother on her 92nd birthday.

Commissioner Morin also commented on the VetFest and how the City supports its veterans.

Commissioner Aliberti cited the air show and helicopter flights in relation to the VetFest.

Vice Mayor Lee expressed her pleasure in serving with the new commissioners.

**8.2 City Manager**

Mr. Howe noted the upcoming Employee Appreciation Barbecue to be held Wednesday, November 18th.

**8.3 City Attorney - None**

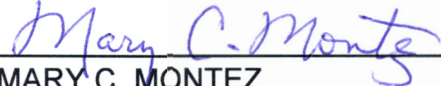
**8.4 Mayor**

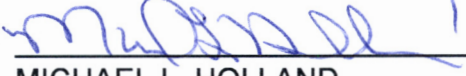
Mayor Holland commented on VetFest and noted First Friday would be the next day with Thanksgiving and Light Up coming up. He thanked everyone for attending and staff for the new chairs.



**9. ADJOURNMENT: 8:12 P.M.**

*\*These minutes reflect the actions taken and portions of the discussion during the meeting. To review the entire discussion concerning any agenda item, go to [www.eustis.org](http://www.eustis.org) and click on the video for the meeting in question. A DVD of the entire meeting or CD of the entire audio recording or verbatim transcript of the meeting can be obtained from the office of the City Clerk for a fee.*

  
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MARY C. MONTEZ  
City Clerk

  
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MICHAEL L. HOLLAND  
Mayor/Commissioner